

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

GLENFORD J. FELIX,
Petitioner,
v.
ALBERTO GONZALEZ, *et al.*,
Respondents.

No. C02-2330L

ORDER OF DISMISSAL AND REMAND

The Court, having reviewed the Report and Recommendation of the Honorable Mary Alice Theiler, United States Magistrate Judge, the objections and responses filed by the parties, and the remainder of the record, finds and ORDERS as follows:

(1) The Court adopts the Report and Recommendation with one caveat. The citation to 8 C.F.R. § 1003.1(a)(7) at the top of page 6 is hereby amended to read 8 C.F.R. § 1003.1(e)(4).

(2) Petitioner's habeas petition (Dkt. # 3 and # 23) is GRANTED.

(3) Respondents' motion to dismiss (Dkt. # 27) is DENIED.

(4) The decision of the Board of Immigration Appeals (“BIA”) is hereby VACATED and this matter is remanded to the BIA with instructions to clarify the grounds for its affirmance of the Immigration Judge’s denial of the application for cancellation of removal.

ORDER OF DISMISSAL AND REMAND

1 (5) The Clerk of Court shall send a copy of this Order to petitioner, all counsel of record,
2 and to Judge Theiler.

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4 DATED this 22nd day of April, 2005.
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Robert S. Lasnik

7 Robert S. Lasnik
8 United States District Judge
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